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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/097,307	06/12/1998	ANAND NARASIMHAN	02964.P004	2793

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BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN  
12400 WILSHIRE BOULEVARD, SEVENTH FLOOR  
LOS ANGELES, CA 90025

EXAMINER

LOGSDON, JOSEPH B

ART UNIT

PAPER NUMBER

2662

DATE MAILED: 03/13/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/097,307

Applicant(s)

NARASIMHAN ET AL.

Examiner

Joe Logsdon

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2662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 February 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 15-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**Claim Rejections—35 U.S.C. 112, Second Paragraph:**

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 15-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. With regard to claims 15, 20, and 25, it is unclear whether each outbound resource can convert to only one of the listed formats or to any one of the listed formats. It is further unclear whether each outbound resource can convert to a single format capable of being used by any type of GSTN or to any format that might be needed by a GSTN. Claims 16-19, 21-24, and 26-29 depend on claims 15, 20, and 25 and are therefore similarly rejected.

**Claim Rejections—35 U.S.C. 103(a):**

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various

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claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 15-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baudoin et al.

With regard to claims 15, 20, and 25, Baudoin discloses a system and method for supporting a message delivery system and service (abstract). The system comprises a plurality of outbound resources (External Communications Module in Figs. 1, 2, and 4); a database server containing account information (contained in the Hub in Figs. 1, 2, and 4; column 4, lines 17-21; column 4, lines 64-68; column 6, lines 17-21); a plurality of processing servers (the Hub in Figs. 1, 2, and 4 comprises both a processing server and an outbound resource), each coupled to communicate with every one of the plurality of outbound resources and the database server over an internal packet-switched data network, each processing server implementing a router-filter and a message queue (column 3, lines 33-42; column 4, lines 52-61; column 5, lines 49-58; column 6, lines 45-57); wherein the message queue inherently stores request messages that are either addressed to or received from a customer over the external packet-switched data network because messages must be addressed either to or from customers in order to be used by the customers; wherein the router-filter determines, based on the message type, to which of the plurality of outbound resources to assign the message (column 6, lines 61-64); and wherein each

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outbound resource converts each message into a format required at the destination, which could include, for example, e-mail, fax mail, or voicemail (column 8, lines 24-38). Baudoin fails to teach that the router-filter polls the message queue for messages and uses the database to validate customers associated with message requests. Examiner takes Official Notice that the use of polling by a server to inform a queue when it is ready to serve more entities contained within the queue has been well known in the art as a means for managing a queue and its server. Examiner takes Official Notice that the use of routers to validate customers has been well known in the art as a means for providing network security. It would have been obvious to one of ordinary skill in the art to modify the teaching of Baudoin so that the router-filter polls the message queue for messages and uses the database to validate customers associated with message requests because Examiner take Official Notice that such an arrangement has been well known in the art as effective means for managing queueing networks and providing network security.

With regard to claims 16, 21, and 26, Baudoin teaches that the internal data network is a private data network (Enterprise in Figs. 1, 2, and 4).

With regard to claims 17, 22, and 27, Baudoin teaches that the router-filter can prioritize the messages (column 5, lines 49-58).

With regard to claims 18, 23, and 28, although Baudoin does not teach that the choice of outbound resource is based on the criterion of minimum cost, it would have been obvious to one of ordinary skill in the art to modify the teaching of Baudoin so that whenever two or more outbound resources are capable of processing a message the outbound resource with minimum cost is selected because such an arrangement would help to minimize the cost of operation of the network.

With regard to claims 19, 24, and 29, Baudoin teaches that the router filter (hub) returns an error message to the sender of the message if the outbound resource fails to send the message (column 7, lines 33-48).

### **Response to Arguments:**

6. With regard to the 35 U.S.C. 112, Second Paragraph rejections, the meaning of “GSTN” is unclear because it is unclear whether “generalized” is an essential element of the claims. For example, suppose a reference exists, which specifies exactly the same invention as claimed in claim 15, 20, or 25, except that “PSTN” is substituted for “GSTN.” The question is whether such a teaching anticipates the claims. If it does not, then the claimed invention lacks enablement because the specification fails to teach how to devise a format that could be used for every possible network that could be classified as a “GSTN.”

It is unclear whether the scope of “generalized switched telephone network” is the same as that of “switched telephone network.” The claims use the term “GSTN” as if a GSTN actually exists. Yet Applicant argues that there is no “type” of GSTN. If there is no type of GSTN, then no GSTN actually exists, so a fax could not be sent over a GSTN. The specification would therefore fail to enable one of ordinary skill in the art to make or use the invention as claimed.

Applicant argues that the hub in Figs. 1, 2, and 4 does not contain a database server. But the lines cited in this and the previous Office Actions teach that the hub could perform the functions of creating and maintaining on-line user directories (which are databases) and supporting user directory services (which are database services).

Applicant argues that Baudoin fails to teach or suggest an internal packet switched data network through which the external communication modules and the database server communicate. But Fig. 6 shows the message format used by the hub; the hub is therefore part of an internal packet switched data network. A message that is originally within the internal communication module is sent to the external communication module. (See, e.g., column 6, lines 45-66).

Applicant argues that internal data networks typically keep their communications separate from external data networks. This feature is not, however, specified in the claims.

### **Conclusion**

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Logsdon whose telephone number is (703) 305-2419. The examiner can normally be reached on Monday through Friday from 1:00 pm to 9:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou, can be reached on (703) 305-4744.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

9. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**Or faxed to:**

(703) 872-9314


For informal or draft communications, please label "PROPOSED" or "DRAFT".

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Joe Logsdon

Patent Examiner

Wednesday, February 27, 2002

  
HASSAN KIZOU  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600